

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA**

**FIDELITY NATIONAL TITLE
INSURANCE COMPANY,**

Plaintiff,

v.

**PLATTE VALLEY ABSTRACT &
TITLE CO., PLATTE VALLEY
ESCROW CLOSING CO. and
JOYCE A. LOW,**

Defendants.

7:06CV5022

ORDER

This matter is before the court *sua sponte*, pursuant to NECivR 41.1, which states in pertinent part: "The court may at any time dismiss an action for lack of prosecution when it appears it is not being prosecuted with reasonable diligence." The record reveals the complaint was filed on October 17, 2006, and service of the summons was executed on Platte Valley Abstract & Title Co. and Platte Valley Escrow Closing Co. on October 23, 2006. **See** Filing Nos. 1, 5 & 6. The record also shows Joyce A. Low was served on October 31, 2006. **See** Filing No. 7. It remains the plaintiff's duty to go forward in prosecuting the case by, for example, filing a motion for the Clerk's entry of default pursuant to Fed. R. Civ. P. 55 and NECivR 55.1(a). Upon consideration,

IT IS ORDERED:

The plaintiff shall show cause why this case should not be dismissed for failure to prosecute the defendants. The showing of cause shall be filed electronically on or before the close of business **on December 20, 2006**.

DATED this 5th day of December, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge